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5 In re DYNAMIC RANDOM ACCESS
6 MEMORY (DRAM) ANTITRUST
7 LITIGATION,

Case No. C-02-01486 PJH (JCS)

**ORDER RE JUNE 14, 2007 JOINT
LETTER [DOCKET NO. 155]**

8 This document relates to:

9 STATE OF CALIFORNIA, ET AL.,

Case No. C-06-04333 PJH (JCS)

10 Plaintiffs,

11 v.

12 INFINEON TECHNOLOGIES AG, ET AL.,

13 Defendants.

14 STATE OF NEW YORK,

Case No. C-06-06436 PJH (JCS)

15 Plaintiff,

16 v.

17 MICRON TECHNOLOGY, INC., ET AL.,

18 Defendants.

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24 The Court has received a joint letter dated June 14, 2007, [Docket No. 155] from the Micron,
25 Hynix, Infineon, Elpida, and NEC Defendants (“Defendants”) and Plaintiffs in these cases
26 (“Plaintiffs”). Defendants seek an order compelling Plaintiffs to produce documents, answer
27 interrogatories, and produce witnesses for deposition (the “Motion”). The Court held a hearing on
28 June 22, 2007. Richard L. Schwartz appeared on behalf of Plaintiff State of New York and Emilio

1 E. Varanini, IV appeared on behalf of Plaintiff State of California. The following appeared on
2 behalf of the Defendants: Steven H. Bergman and Kenneth O'Rourke (Hynix), Joshua Hess and Joel
3 Sanders (Micron), Isabelle A. Young and Harrison Frahn, IV (Elpida), Jonathan Schwartz (NEC
4 Electronics), Julian Brew (Infineon), Scott Morgan (Mosel), and Robert Freitas (Nanya). Having
5 heard the arguments of counsel, and for the reasons stated on the record, the Court ORDERS as
6 follows:

- 7 1. **Not later than July 2, 2007**, Plaintiffs shall identify for Defendants all state, local, or
8 other municipal agencies or entities on whose behalf Plaintiffs are prosecuting these
9 actions. In the event that such a list has already been provided in some other format,
10 Plaintiffs shall identify that list for Defendants.
- 11 2. Plaintiffs offered in the joint letter and on the record at the hearing to provide, on a
12 rolling basis, all information gathered and generated in connection with the damages
13 survey that Plaintiffs' are presently conducting. The Court ORDERS that they do so.
- 14 3. Plaintiffs agreed, and the Court ORDERS, that with respect to all state Plaintiffs that
15 have centralized purchasing agencies, those agencies shall produce readily available
16 documents regarding the purchase of products containing DRAM during the relevant
17 time period, including but not limited to studies regarding the purchase of DRAM-
18 containing products, contracts for the purchase of DRAM-containing products,
19 documents showing the quantities of and the prices paid for DRAM-containing
20 products, and other purchase documents.
- 21 4. **Not later than July 2, 2007**, counsel for the parties shall meet and confer **in person**
22 to discuss a plan for the remaining damages discovery in this case. The topics at this
23 meeting shall include: (1) the timing, scope, and format of information that will be
24 provided by Plaintiffs that have been or will be generated or gathered in connection
25 with Plaintiffs' damages survey; (2) other damages discovery to be provided to
26 Defendants to enable them to reasonably defend against any damages asserted by
27 Plaintiffs, including discovery reasonably necessary to test Plaintiffs' damages survey
28 or any other damages evidence or theory asserted by Plaintiffs; and (3) the scheduling

1 of 30(b)(6) depositions regarding centralized purchasing processes (in states that have
2 such a centralized purchasing process), the location(s) of documents with respect to
3 such centralized purchasing processes, and the extent to which the purchasing process
4 of any state is decentralized.

5 The parties shall attend a Discovery Conference before the undersigned on **July 27, 2007, at**
6 **9:30 a.m.** The parties shall file a joint status report regarding discovery, including all agreements
7 reached during their meet-and-confer session and all issues remaining from their meet-and-confer
8 session, not later than one week before the Discovery Conference.

9 IT IS SO ORDERED.

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11 Dated: June 25, 2007

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13 JOSEPH C. SPERO
United States Magistrate Judge

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